

HOUSE No. 1318

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others relative to creating the non-indigenous species management plan and listing process for non-native species. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.	Byron Rushing
Douglas W. Petersen	Anne M. Paulsen
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In the Year Two Thousand and Five.

AN ACT CREATING THE NON-INDIGENOUS SPECIES MANAGEMENT PLAN AND LISTING PROCESS FOR NON-NATIVE SPECIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 132 of the General Laws is hereby
- 2 amended by adding after section 132B the following sections:
- 3 Section 132C. Definitions. For the purposes of this chapter, the
- 4 following terms have the meanings given them.
- 5 (a) "Biological control organism" means any species used to
- 6 control a harmful non-indigenous species.
- 7 (b) "Control" means eradicating, suppressing, reducing, or
- 8 managing harmful non-indigenous species populations, preventing
- 9 the spread of harmful non-indigenous species from areas where
- 10 they are present and taking steps such as protection and restora-
- 11 tion of native species populations and habitats to reduce the
- 12 impacts of harmful non-indigenous species and to prevent further
- 13 invasions of harmful non-indigenous species.
- 14 (c) "Office" means the Executive Office of Environmental
- 15 Affairs.
- 16 (d) "Secretary" means the Secretary of the Executive Office of
- 17 Environmental Affairs.

18 (e) “Dispersal” refers to the natural or human-related spread of
19 non-indigenous species from one water, wetland, or land area to
20 other waters, wetlands, or land areas.

21 (f) “Established” means, when used in reference to a species,
22 occurring as a reproducing, self-sustaining population in an open
23 ecosystem.

24 (g) “Introduction” means the intentional or unintentional
25 release, escape, dissemination, or placement of a species into an
26 ecosystem as a result of human activity.

27 (h) “Manage” means to prevent new harmful non-indigenous
28 species introductions into the state; to limit the dispersal of estab-
29 lished harmful non-indigenous species populations into uninfested
30 land areas, wetlands, and waters of the state; and to abate harmful
31 ecological, economic and public health impacts resulting from the
32 introduction, dispersal, or presence of harmful non-indigenous
33 species in the state.

34 (i) “Native species” refer to any species originally living,
35 growing, or produced in an ecosystem within its historic range.

36 (j) “Non-indigenous species” means any non-native plant,
37 animal, or other viable biological material that enters and dis-
38 perses in an ecosystem beyond its native range.

39 (k) “Prevent” means to identify and interrupt pathways by
40 which harmful non-indigenous species can be imported, intro-
41 duced, and dispersed.

42 (l) “Species” means a group of organisms all of which have a
43 high degree of physical and genetic similarity, generally inter-
44 breed only among themselves, and show persistent differences
45 from members of allied groups of organisms. The term “species”
46 includes any subspecies of animal, plant, or biological material,
47 and any distinct population segment of any species or animal,
48 plant, or biological material which interbreeds when mature.

49 (m) “Stakeholders” include, but are not limited to, state and
50 local government agencies, academic institutions, the scientific
51 community, regional entities, tribal governments, non-govern-
52 mental entities including environmental, agricultural and conser-
53 vation organizations, trade groups, commercial interests, and
54 private landowners.

55 Section 2. Management Authority.

56 The Secretary of the Executive Office of Environmental Affairs
57 shall have the authority to facilitate the prevention of introduction
58 and dispersal of harmful non-indigenous species in the state. Key
59 responsibilities associated with this management authority are as
60 follows:

61 (a) Interjurisdictional agreements: The Secretary shall seek
62 cooperation, as appropriate, with federal, state and tribal authori-
63 ties; regional entities; political jurisdictions of the state; and with
64 other state agencies and organizations for the administration of
65 any program established herein.

66 (b) The Secretary shall establish a statewide program to prevent
67 and curb the spread of harmful non-indigenous species. In addi-
68 tion, the Secretary shall develop and implement programs that are
69 compatible with existing federal and state legislation which
70 include, among others, the Nonindigenous Aquatic Nuisance Pre-
71 vention and Control Act of 1990 (16 U.S.C. 4701-4741), the
72 National Invasive Species Act of 1990 (18 U.S.C. 42), the Plant
73 Protection Act (7 U.S.C. 7701-7772).

74 (c) Program Implementation:

75 (1) The following mechanisms shall be authorized and utilized
76 to facilitate program implementation: classification and designa-
77 tion of non-indigenous species; regulatory and rule-making provi-
78 sions; monitoring mechanisms; research projects; permit and
79 inspection procedures; enforcement and penalty stipulations;
80 information and education activities; funding mechanisms;
81 restoration of native species and habitat; regulation of biological
82 control agents; incentives for private landowners; and emergency
83 action protocols.

84 (2) The Secretary is authorized to utilize the following detec-
85 tion and enforcement mechanisms: seizure, quarantine, and dis-
86 posal of prohibited, restricted, and unlisted species. The Secretary
87 is authorized only in the case of emergency to bypass notice
88 periods for entering private lands.

89 (3) The Secretary is authorized to routinely and systematically
90 survey private and public lands for the presence of non-indige-
91 nous species and to map non-indigenous species locations and
92 those areas particularly at risk for non-indigenous species.

93 (d) State Agency Duties.

94 (1) To the extent practicable and permitted by law, each state
95 agency whose actions may affect the status of harmful non-indige-
96 nous species shall:

97 (a) identify such actions;

98 (b) subject to the availability of appropriations, and within
99 Administration budgetary limits, use relevant programs and
100 authorities to:

101 (i) prevent the introduction of harmful non-indigenous species;

102 (ii) detect and respond rapidly to and control populations of
103 such species in a cost-effective and environmentally sound
104 manner;

105 (iii) monitor non-indigenous species populations accurately and
106 reliably;

107 (iv) provide for restoration of native species and habitat condi-
108 tions in ecosystems that have been invaded;

109 (v) conduct research on non-indigenous species and develop
110 technologies to prevent introduction and provide for environmen-
111 tally sound control of harmful non-indigenous species; and

112 (vi) promote public education on harmful non-indigenous
113 species and the means to address them; and

114 (2) No State Agency shall buy, plant, or acquire any plants des-
115 igned by the Invasive Plant Atlas of New England as non-native
116 invasives.

117 (e) Annual report. By January 15 each year, the Secretary shall
118 submit a report on harmful non-indigenous species to the legisla-
119 tive committees having jurisdiction over environmental and nat-
120 ural resource issues. The report must include:

121 (1) Detailed information on expenditures for administration,
122 education, management, inspections, and research;

123 (2) Detailed information on the loss of state resources due to
124 harmful non-indigenous species;

125 (3) An analysis of the effectiveness of management activities
126 conducted in the state, including but not limited to chemical and
127 biological control, harvesting, takings, educational efforts, inspec-
128 tions, and enforcement actions;

129 (4) Information on the participation of stakeholders in control
130 efforts;

131 (5) Information on management efforts in other states;

132 (6) Information on the progress made in the control of each
133 listed species; and

134 (7) An assessment of future management needs.

135 Section 3. Classification and designation of non-indigenous
136 species.

137 The Secretary shall designate as harmful non-indigenous, any
138 plants designated by the Invasive Plant Atlas of New England as
139 non-native invasives.